

EXHIBIT 59

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**

KEITH FISCHER, MICHAEL O'SULLIVAN,
JOHN MOESER, LOUIS PIA, THOMAS
BARDEN, CONSTANCE MANGAN, and
CHARISE JONES, individually and on behalf
of all others similarly situated,

Plaintiffs,

v.

GOVERNMENT EMPLOYEES
INSURANCE COMPANY d/b/a GEICO,

Defendant.

Case No. 2:23-CV-02848 (GRB) (ARL)

DECLARATION OF MARIE BUTLER

I, Marie Butler, based on my personal knowledge and pursuant to 28 U.S.C. § 1746,
declare as follows:

1. I am an employee of Government Employees Insurance Company ("GEICO" or the "Company"). I currently work for GEICO as a Senior Internal Security Investigator in the Special Investigations Unit ("SIU").

2. I have worked for the Company as a Senior Internal Security Investigator in the SIU since in or around September 2012. In this role, I go into the Company's Melville, New York office on Long Island, New York approximately one day per week.

3. There is limited space in the SIU department in the Melville office; therefore, going into the office only once per week is fairly inflexible, meaning that I do not have flexibility to go more often.

4. I used to work in GEICO's Woodbury, New York office, also on Long Island, and regularly went into the office for work prior to changes relating to COVID-19 in March 2020, when I began working remotely from my home.

5. Prior to working in my current role in the SIU, beginning in or around 1999, I worked for GEICO in the Claims department as a theft investigator.

6. Prior to working in the Claims department, I worked in several positions from 1986 to 1999, including in sales, service, and underwriting.

7. Prior to the restructuring of SIU in 2023, I worked in Region 2 within the former SIU organization structure.

8. I report to SIU supervisor Nichole Matthew, who reports to SIU manager Jim Hammonds.

JOB RESPONSIBILITIES

9. As Senior Internal Security Investigator, I handle major cases, meaning cases that involve a bundle of claims rather than a single claim. Examples of the types of major cases I investigate include potential fraud committed by hospitals or auto body shops.

10. Often, I will start my work on a new case by reviewing the claim, then examining background reports of the cars and parties involved in the case. After that, investigations vary depending on the individual facts of the case. I must determine the focus of each investigation.

11. Every investigation is different. Tasks necessary to complete an investigation may include calling people directly, such as law enforcement, reviewing and/or requesting documents, and talking to other agents.

12. My role is a desk or inside position – I do not work in the field.

13. I am always busy because there is always something to do in my position.

However, things were slower during the pandemic because many people did not drive.

14. I have been most busy when there has been a major weather event, such as hail or flooding.

15. I don't try to close cases in one day. As a major case investigator, my cases are more complex and lengthier. Cases remain open for varying amounts of time, typically between a week and 2-3 months.

16. In a typical day, I jump between cases and tasks a lot. For example, in the course of a day, I may spend time working with a police report, then receive a new case and switch over to that.

WORK HOURS / TIMEKEEPING

17. I work Monday through Friday from 7:30 a.m. to 4:00 p.m. I work 7.75 hours in a day and total 38.75 hours per work week.

18. I have never felt any pressure to work off the clock at any point during my almost 40 years of employment with GEICO. I record all of the hours that I work.

19. I submit my hours daily in GEICO's timekeeping system, Workday. I certify that the number of hours worked and the number of hours not worked are accurate, and my supervisor then approves my time.

20. I do not recall ever working overtime hours while employed by GEICO in the SIU. I think it may have been offered a few times, but I did not participate due to parenting responsibilities and lack of interest. Overtime was entirely voluntary. I do not recall the specifics of these situations.

21. However, Hurricane Sandy hit right after I began in the SIU on September 4, 2012. We were incredibly busy at that time, and I may have worked overtime then. I do not remember if this caused me to work over 40 hours in a week. If it did, I would have recorded those hours and submitted all of my overtime.

22. I have never complained that I worked any time for which I was not compensated at GEICO. I believe I have been appropriately compensated for all of the time that I have worked.

COMPENSATION

23. I am currently paid at the hourly rate of \$48.26. I have received multiple raises in the time since I began working in SIU.

24. I am paid on a bi-weekly basis.

25. I have never complained that I have had any unpaid wages while working at GEICO. I check my direct deposit each pay period to ensure that my paychecks are accurate and correct.

BREAKS

26. I take a one-hour lunch break each day – this is my allotted 45-minute lunch and one of my two paid 15-minute breaks combined. I do not perform any work during my lunch break.

27. If I return from lunch late due to a traffic accident or other extenuating circumstance, I make up for the time later. This happens very infrequently.

28. I do not work during my second allotted 15-minute break either. I typically take this break in smaller chunks rather than all at once.

GEICO COMPLAINT PROCEDURES

29. I have never had reason to complain about any timekeeping or pay issues at GEICO, but if I ever had any issues, I would talk to my supervisor.

PARTICIPATION

30. I am providing this statement of my own free will. I have not been threatened, coerced, or in any way intimidated by GEICO or its attorneys concerning any aspect of this declaration.

31. I understand and acknowledge that GEICO will not retaliate or take any negative action against me for making this declaration or for not making this declaration, if I elect not to make it.

32. I have not been promised anything in exchange for making this declaration and understand that I will not be subject to favoritism or receive any benefit from GEICO for providing this declaration.

I declare under penalty of perjury that the foregoing is true and correct.

May 15, 2024

Date

DocuSigned by:
Marie Butler
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Marie Butler